

### **REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1-15 are currently pending in this application. Claims 1, 4-6, 8, and 9 have been amended, and claims 14 and 15 have been added, to more distinctly claim subject matter which the Applicant regards as the invention. Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Claim Objections**

The Examiner objected to claims 4 and 9 because they allegedly contain informalities, and claims 5-6 and 10-11 because they depend from claims 4 and 9, respectively. Claims 4 and 9 have been amended to correct the alleged informalities. Withdrawal of the objection to the claims 4-6 and 9-11 is respectfully requested.

#### **Claim Rejections - 35 USC § 112**

Claim 8 is rejected under 35 USC § 112 second paragraph as being allegedly indefinite for not disclosing how the system enables users to maintain relationships and connection. Claim 8 has been amended to set forth additional elements, and is now deemed to be patentably definite. Withdrawal of the 35 USC § 112 rejection of claim 8 is respectfully requested.

#### **Claim Rejections - 35 USC § 101**

Claim 8 is rejected under 35 USC § 101 because of the alleged claimed recitation of a use without setting forth any steps, allegedly resulting in an improper claim. Claim 8 has been amended to set forth additional elements, and is now deemed to be in proper form. Withdrawal of the 35 USC § 101 rejection of claim 8 is respectfully requested.

**Claim Rejections - 35 USC § 102**

Claims 1, 3, and 8-13 are rejected under 35 USC § 102(b) as being allegedly anticipated by “The Lifestreams Software Architecture” by Freeman (hereinafter “*Freeman*”). Applicant respectfully traverses this rejection.

The present invention comprises an interactive system providing prompts for collecting a user’s life history, ideas, and stories according to a selected list of questions. This functionality can be regarded as similar to a kind of interactive diary. Through different phases of the user’s life, the system prompts or otherwise interactively cooperates with the user so as to assist the user in describing events and ideas important to the user, illustratively, as answers to selected questions. Storage of information is provided, and can store the diary-like entries of the user, and other information such as electronic documents, images, etc. Links to product vendors and service providers can also be provided. The system can be divided into life phase portions comprising various topics germane to each phase, and the system prompts can be tailored to each topic or phase. The links to product vendors and service providers can also be tailored to each topic or phase. Links to other users can also be provided, for example, to promote establishing and/or maintaining relationships between users.

It is well settled that a reference must teach every element or aspect of a claim in order to be considered prior art under 35 USC § 102(b).

In contrast to the present application, *Freeman* discloses what is essentially an improved filing and calendaring system. No prompts are provided to elicit entries from the user, except to provide information for indexing, locating, and retrieving information. *Freeman* does not

comprise links to product vendors or service providers, nor does *Freeman* disclose organizing the system by anything like life phases or topics within phases.

In *Freeman*'s introductory chapter, *Freeman* outlines the target audience and their needs intended to be met by the system. In particular, according to *Freeman*, "Users by and large perform the following tasks: 'working tasks,' which include filing and finding, task management (such as todo lists) and reminding; 'personal archiving,' which includes organization and categorization of long-term information; and 'communication,' which includes interaction between users over space and time and may be 'one-shot' or an ongoing conversational thread. In addition, users spend a great deal of time processing documents — creating new documents that are stored in a work area, creating documents based on existing documents, or creating documents based on multiple sources of information" (bottom of page 8 to top of page 9). Those are the users and tasks contemplated by *Freeman* to be supported.

In contrast to the present claims 1 and 9, no mention is made in *Freeman* of prompting a user for the purpose of collecting the user's life history, ideas, and stories according to a list of selected questions. Therefore, claims 1 and 9 are deemed allowable over *Freeman*. Claims 3 and 8 depend from claim 1, and claims 10-13 depend from claim 9. Therefore, without prejudice to their individual merits, these claims are also deemed allowable.

Furthermore, as to claims 10 and 12, the Examiner asserts that *Freeman* teaches a system divided into specific "Life Stage Concepts," citing sections in *Freeman* entitled Streams and Substreams, and Substream Storage Subsystem, and asserting they "could be used to create the claimed discrete segments." *Freeman* does not disclose, suggest, or contemplate such use, nor disclose or suggest anything like the Life Stage Concepts of claims 10 and 12. Therefore, Applicant respectfully contends it is only with impermissible hindsight that the Examiner

suggests that *Freeman* might be adapted to provide such use, and thus improperly expands the scope of what *Freeman* actually discloses. Therefore, claims 10 and 12 are deemed to be allowable over *Freeman*, as well as their respective dependent claims 11 and 13.

Based on the arguments presented above, withdrawal of the 35 USC § 102(b) rejection of claims 1, 3, and 8-13 is respectfully requested.

**Claim Rejections - 35 USC § 103(a)**

Claims 2 and 4-7 are rejected under 35 USC § 103(a) as being allegedly unpatentable over *Freeman* (same as above) in view of Walker *et al.* (U.S. Patent Application Publication No. 2002/0052768, hereinafter “*Walker*”). Applicant respectfully traverses this rejection.

To establish a *prima facie* case for obviousness under 35 USC § 103(a), it must be shown that the asserted references, when read alone or in combination, teach all of the elements of the examined claims. In addition, a motivation to combine the references must be shown if more than one reference is being asserted.

Furthermore, the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1 (1966), are applied for establishing a background for determining obviousness under 35 USC § 103(a). Those inquiries are: determining the scope and contents of the prior art; ascertaining the differences between the prior art and the claims at issue; resolving the level of ordinary skill in the pertinent art; and considering objective evidence present in the application indicating obviousness or non-obviousness.

*Walker* is directed to the integrated management of business and personal life events of employees of an enterprise. The enterprise provides computer access and other resources to the employees, such as enabling them to make travel arrangements and purchase from external

suppliers. In *Walker*, the enterprise system monitors the employee use of these resources, updates enterprise data of the employee (such as for use by an HR department), and can make available particular event-related services through prior agreement with selected service providers.

With reference to claim 6, the Examiner makes reference only to *Freeman*, and not to the combination of *Freeman* and *Walker*. Therefore, Applicant believes the rejection of claim 6 would properly be made under 35 USC § 102(b). Because claim 6 depends from claim 1, claim 6 is deemed allowable over *Freeman* for at least the same reasons as claim 1, discussed above. In addition, *Freeman* does not disclose or suggest a system adapted to record an entire life, from conception to the grave. The Examiner asserts that *Freeman* teaches such a system, but Applicant can find no reference in *Freeman* of keeping track of information pertaining to a person's life "from conception to grave," such as by collecting information from that person's pregnant mother, or from that person's descendents, in accordance with the specification and as claimed in claim 6. Therefore, claim 6 is deemed allowable over *Freeman*.

It is noted that claims 2 and 4-5, and 7 depend from claim 1, and that the Examiner relies on *Walker* only for the additional features of those claims. Therefore, without prejudice to their individual merits, claims 2 and 4-7 are deemed allowable over the cited references for at least the same reasons as claim 1, discussed above.

Furthermore, there is no teaching or suggestion in either *Freeman* or *Walker* to combine their features. Therefore, Applicant respectfully contends that it is only with impermissible hindsight that the Examiner combines their features.

Based on the arguments presented above, withdrawal of the 35 USC § 103(a) rejection of claims 2 and 4-7 is respectfully requested.

**Conclusion**

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1 - 15, is in condition for allowance and a notice of allowance is respectfully requested.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

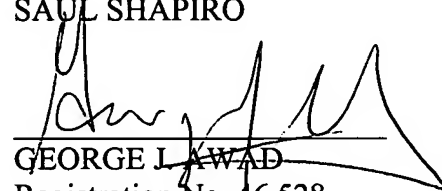
**Certification**

Pursuant to 37 C.F.R. §134, the undersigned certifies that he is an authorized representative of the Applicant of the present application.

Respectfully submitted,

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